



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

D.M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2500719 / 3003961
Applicant Name: Steve McDonald, Mithun Architects for Schnitzer Northwest
Address of Proposal: 1520 Eastlake Avenue East

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for the future construction of a six story building with 5,400 square feet of retail commercial use at ground level and 199 residential units above. Parking for 268 vehicles to be provided in a below-grade garage within the structure. Project includes the demolition of residential structures, administrative office and retail buildings and a religious facility totaling 40,260 square feet.

The following Master Use Permit components are required:

**Design Review - Seattle Municipal Code (SMC) Section 23.41 with Development
Standard Departures:**

1. **Open Space Quantity – To reduce the open space requirement (SMC 23.47.024)**
2. **Lot Coverage – To increase the maximum lot coverage (SMC 23.47.008.D)**
3. **Non-residential Street Frontage – To reduce the non-residential street frontage (SMC 23.47.008.b)**

SEPA - Environmental Review - Seattle Municipal Code (SMC) Section 25.05

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions*

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

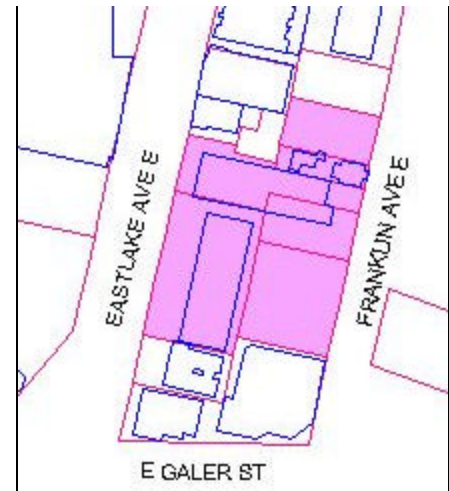
* Notice of early DNS was published December 29, 2005.

BACKGROUND DATA

Site & Vicinity Description

The subject site, zoned Commercial 1 with a 65 foot height limit (C1-65'), is a through lot located mid-block, on the east side of Eastlake Avenue East and the west side of Franklin Avenue East, between East Garfield Street and East Galer Street. There is no alley access to the site.

The C1-65 zone continues to the north and south of the subject site. Across Eastlake Avenue to the west, the zone changes to General Industrial (IG1 U/45) and across Franklin Avenue to the east, the zone shifts to Industrial Commercial (IC-45). The Interstate-5 corridor runs along the east side of Franklin Ave East and effectively cuts off the Eastlake neighborhood from the Capitol Hill neighborhood to the east. Development and use in the vicinity includes a variety of multi-family residential uses, office and commercial uses in one to six story structures.



Proposal

The proposal includes demolition of four existing structures and the construction of a new mixed-use building. The new structure would be six stories with ground level commercial uses, below grade parking for 270 stalls and five levels of residential units (approximately 203 units) above the retail base. Access to the site would be from both Franklin and Eastlake Avenues.

Public Comments

Approximately six members of the public attended the Early Design Guidance meeting. They offered the following comments:

- Concern that the proposed building will dwarf the existing building abutting the subject site to the north;
- Concern that the proposed development built to the property line will hinder safe access of vehicles to the parking lot for neighbor to the north, whose driveway runs along the north property line of the subject site;
- Clarification that pedestrian activity along Eastlake has increased significantly over recent years and is thus becoming a pedestrian corridor and as such, new building should be designed to a pedestrian friendly scale;
- Request that noise and traffic during construction should be mitigated;
- Eliminate the second, eastern most northbound traffic lane along Eastlake Ave in order to create more street parking;
- Use high quality materials in the new structure;
- Encourage building design that establishes this site as a gateway to the Eastlake community (as identified in the neighborhood plan);
- Encourage consultation with the Eastlake Neighborhood Plan;
- Develop street improvements, including the island in the Eastlake right-of-way; and

- Clarification that the requested departures are offset by significant benefits to the community.

Approximately 13 members of the public attended the Final Recommendation meeting held on April 5, 2006. One written letter was received. The following comments were offered:

- The owners and some residents of the abutting Illumina Apartment building raised concerns that 16 of the units that face the subject site have decks and windows that will be within close proximity to the proposed building which is designed to be built at the property line.
- Neighbors expressed frustration at not receiving public notice of the proposed development.
- The short distance between the existing and proposed buildings poses security, privacy, light, air and safety issues to the units facing the site. Neighbors expressed opposition to the proposed reduction in open space.
- Request that the proposed building set back from the property line by at least ten feet.
- Support many of the design elements presented for the overall building design.
- Specific concern with the design's failure to address the eastern half of the north façade as it relates to the existing building to the north.
- The quality of life and safety of the neighboring residents is compromised by the proposed building design and massing.
- The proposed design ought to include an open space terrace area at the northeastern corner.
- Objects to the loss of light and air to the units from the proposed building mass.
- Note that the Illumina itself received numerous design departures during its design phase. The proposed design is far more sensitive to the neighborhood and is a high quality project.
- The Eastlake Community Council is excited with the design and general direction of the proposed design. However, several concerns were raised including the departure from retail frontage. Additional retail should be included and the proposed concierge space will be compromised without the availability of a vehicular drop off space. While the plaza is a great feature, it does not justify the proposed lot coverage increase. The height and bulk need to be limited and not increased. Finally, the proposal to reduce the open space should not be justified due to the proximity of open space in the area, as that creates an unfair pressure on existing public open spaces. Additional entries along the street level on Franklin should be included. The materials should be better specified.
- Given the existing traffic congestion, there is concern that the traffic along Franklin will preclude the ability for two traffic lanes to function with parked cars on both sides.
- Confusion regarding the location of the public meeting

The SEPA comment period for this proposal ended on January 11, 2006 and was extended by written request to January 25, 2006. Five comment letters were received focusing on the following issues:

- Request to be listed as a Party of Record.
- Interest in additional details on the proposed development.
- Information regarding project time line.
- Concern that the proposed building will be located too close (two feet) to the existing Illumina Building, posing threats to public health, safety and welfare.
- Advocate for a larger separation between the proposed building and the Illumina. A wider area would alleviate ventilation and light impacts to the residential units on a portion of the south façade of the Illumina.
- The proposed design ought to respect adjacent sites and minimize disruption to the privacy of the neighbors to the north.

ANALYSIS - DESIGN REVIEW

Design Guidance

Four schemes were presented at the Early Design Guidance meeting. All of the schemes included a mixed-use program and a ground floor level with nearly 100% lot coverage. The first scheme would satisfy all development standards, while schemes two through four involve departures from the development standards. The first scheme included two rectangular residential towers above a ground floor base with vehicular access off of Franklin Ave. The second alternative included a more jagged building form with an L-shaped courtyard above the ground floor and vehicular access from Eastlake Ave. The third scheme showed two square shaped towers as viewed from the Eastlake frontage and a saw-tooth configuration along the Franklin Avenue frontage. The fourth and preferred scheme proposed a V-shaped building tower opening towards the west (Eastlake Ave) and vehicular access from Franklin Avenue.

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily and Commercial Buildings* of highest priority to this project.

The Design Review Board reviewed the final project design on April 5, 2006, at which time site, landscaping and floor plans, as well as elevation sketches and renderings, were presented for the members' consideration. At the Recommendation meeting, a more detailed design of the fourth alternative shown at the previous meeting was presented. The two buildings are differentiated from each other by fenestration patterns and materials but unified through similar massing and accent materials. The south building is metal with brick accents, while the north building is brick with metal accents. A central courtyard is situated between the two buildings which meet at the rear of the V-shaped courtyard. Visually, there are three buildings, two flanking the courtyard and one linear building in the background. A small structure, the "concierge building", is located at the center of the courtyard near the Eastlake sidewalk that will serve as the guest entrance, mail room and offer other tenant amenity services. The building also delineates the public plaza area from the private courtyard. Retail uses are located at the ground floor of both the north and south structures. Along Franklin Avenue, the sidewalk environment has been designed to include dense, low landscaping, an entry canopy and overhanging balconies. Vehicular access to the commercial parking is provided from both Eastlake, as well as the residential vehicles entering the garage. Vehicular access for both entering and exiting residential cars is located from Franklin Avenue.

The guidance by the Board appears after the bold guidelines text and the recommendations from the final meeting follow in italicized text.

A. Site Planning

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities.

The Board agreed that the building design and massing should take advantage of the prominent site location and ability to become a gateway building. The Board would like to see a bold, iconic building design that makes a strong statement of entering the Eastlake neighborhood.

At the Recommendation meeting, the Board was pleased at how well the building configuration and site plan responded to the odd-shaped site and significant topographical changes.

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

The Board agreed that enhancement and promotion of the pedestrian experience along Eastlake Avenue is desirable. While acknowledging the traffic patterns along this corridor, enhancing and encouraging pedestrian circulation is critical. Right-of-way improvements, architectural details and interesting features at the ground level are critical aspects of the pedestrian experience and should be integrated into the proposed program and design.

At the Recommendation meetings, the Board expressed support for the visual appearance of wider sidewalks with the building setbacks along Franklin and the highly glazed storefront windows along Eastlake.

A-4 Human Activity. New development should be sited and designed to encourage human activity along the street.

The Board recognized that the existing character of the Franklin streetscape and the Eastlake streetscape are dramatically different and should be designed accordingly. The Franklin Avenue character is far more residential, quiet and private while the Eastlake character is commercial, public and busier. The street level design and building program should encourage pedestrian activity to continue south down Eastlake. Transparent windows, overhead weather protection and commercial uses that have the potential to straddle the public and private realms are examples of attractive features that should be included for a successful commercial pedestrian environment. Along the Franklin Avenue façade, the residential character is better reflected with landscaping, stoops, smaller windows and unique entries.

At the Recommendation meeting, the Board expressed support for the well-designed streetscape along Franklin.

A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

The Board noted that the proposed development is challenged with being respectful of the existing, lower-scale context nearby. The Board suggested that the northwest corner of the proposed building include transparency that wraps the corner to allow views between Eastlake Avenue and the driveway immediately to the north.

The Board discussed the successful design response that sets the Eastlake garage entrance and building back from the property line and sidewalk at the northwest corner to provide visibility to and from the abutting driveway to the north, as well as the sidewalk.

The proposed design eliminated the windows on the portion of the project's north façade facing the Illumina Apartment building, thereby protecting the privacy of those south-facing units and deck areas contained within the Illumina. The Board agreed that the proposed fenestration significantly minimizes the potential disruption of privacy and outdoor activities of the neighboring Illumina residents.

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The Board looks forward to reviewing a high-quality, well-programmed and well-landscaped open space design. The Board noted that the design should include some rooftop open space. The Board would also like to see how the stormwater run-off will be treated. Overall, the Board is very interested in how the project is made better as a whole in light of the proposed reduction in open space. See B-1.

At the Recommendation meeting, the Board was supportive of the variety of the extensively landscaped and programmed open spaces located both at grade and on the rooftop. The Board was interested in whether the courtyard could open through to Franklin Avenue, providing a path through the site. The Board encouraged this configuration be explored with the following condition:

1. The applicant should explore connecting the courtyard through to Franklin Avenue.

B. Height, Bulk, and Scale

B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to nearby, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between the anticipated development potential on the adjacent zones.

The Board agreed that the fourth scheme best addressed the height, bulk and scale impacts of the proposed development. However, the Board also noted support for the residential open space concept along Franklin Avenue presented in the third scheme.

At the Recommendation meeting, the Board considered the comments provided by the public and suggested that the applicants continue to work on the edge design while recognizing that certain constraints such as blocked views, massing and density are often present and unavoidable in urban environments. That said, the Board would like to encourage a dialogue between the various property owners to negotiate a design solution

that helps address these impacts. The Board appreciated that the northwestern portion of the building steps down to a two story volume that better relates to the lower scaled building to the north.

STAFF NOTE: In response to the Board's suggestion to further discuss the relationship of the proposed building with the existing building to the north, the proposed building has been reconfigured to create greater space between the two structures. The façade of the north elevation was previously shown approximately six inches from the north property line. Following the Recommendation meeting, the entire portion of the building, with the exception of the stairwell, has been set back an additional four feet from the north property line. This setback is intended to allow for more light and air to the Illumina units to the north. Such a setback also reduces the sense of bulk for these same units, as well as reduces the cumulative appearance of these two larger scaled building as viewed together.

C. Architectural Elements

C-1 **Architectural Context.** New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural pattern and siting pattern of neighboring buildings.

The Board agreed that the surrounding built context includes a variety of styles and materials and that referencing a single architectural style is difficult. The Board noted support for the features and elements displayed on the character study board presented by the architect and would like to review a design that continues the elements of a pedestrian friendly, lively, interesting and creative environment depicted in that character study graphic.

C-2 **Architectural Concept and Consistency.**

- **Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.**

The Board acknowledged that the lack of a cohesive existing architectural context and expressed interest in the three building forms taking on different expressions. The transition between the forms and materials will require a thoughtful execution and the Board encouraged the use of divergent materials and forms that contemplate the varied styles found in the neighborhood.

At the Recommendation meeting, the Board agreed that the proposed design offered a contemporary character while integrating some traditional materials such as brick that would enhance the streetscape and neighborhood context.

- **Buildings should exhibit form and features identifying the functions within the building.**

The Board suggested that transparent operable windows and/or roll-up garage doors at ground level along the Eastlake frontage, which will help achieve the desired interaction between the private and public realm.

At the Recommendation meeting, the Board was pleased that the proposed design includes such operable and roll-up windows and doors at the retail level along Eastlake.

- **In general, the roofline or top of the structure should be clearly distinguished from its façade walls.**

The Board did not discuss this guidance further at the Recommendation meeting.

- C-3 Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.**

See C-2 and D-1.

- C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

At the Recommendation meeting, the Board supported the proposed material palette combining red brick, flat metal panels, ribbed metal panels and a dark colored aluminum window storefront system.

- C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.**

The Board strongly agreed that the vehicular access to the site should be visually minimized and cause as little disruption to pedestrian circulation around the site as possible. The Board noted that any design should satisfy the safety purposes of the sight triangle requirement.

The Board recommended the following condition:

- 2. The driveway entrances should be reduced in width and distinguished with a different scoring pattern.**

D. Pedestrian Environment

- D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.**

See A-3.

At the Recommendation meeting, the Board recommended that the townhouse entrances fronting onto the sidewalk on Franklin Avenue include entrances to emphasize the individual units.

- D-2 Blank Walls. Buildings should avoid blank walls. Where unavoidable, walls should receive design treatment to increase pedestrian comfort and interest.**

The Board did not identify any blank wall areas.

- D-6 Screening of Dumpsters, Utilities, and Service Areas.** Building sites should locate service elements like trash dumpsters, loading docks, and mechanical equipment away from the street where possible. When elements such as dumpsters, utility meters, mechanical units, and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

The Board is pleased that all service elements will be housed internally within the proposed structure.

- D-7 Personal Safety and Security.** Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The Board noted that the type and character of lighting and the amount of transparency along the Franklin Avenue façade are important elements that will help keep this street safe with clear views to the street from the subject site.

The Board noted that the low, dense landscaping along the rights-of-way and expansive storefront and residential fenestration will maintain clear sight lines to and from the sidewalks. The setting back of the garage entrances from the sidewalk will also help alert pedestrians to traffic to and from the site.

E. Landscaping

- E-2 Landscaping to Enhance the Building and/or Site.** Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.

The Board agreed that the courtyard and rooftop spaces should all receive equally well-programmed and well-landscaped attention.

At the Recommendation meeting, the landscape design includes three objectives: to soften the pedestrian level along both Franklin and Eastlake, to create usable public and private open spaces and to engage the public. The Board agreed that these principles are important and have been satisfied with the following features:

- *water feature that extends from the public plaza space in front of the concierge building to the private courtyard beyond;*
- *double allée of trees on Franklin;*
- *raised planter walls and widened sidewalks;*
- *retail spaces that wrap the corners to the plaza area and include roll-up windows;*
- *overhead canopies above the sidewalk and scored patterns in the concrete;*
- *holding back the gates separating the private courtyard from the public plaza area;*
- *sculptural sun dial feature and seating in front of the concierge building; and*

- *fire pit and private patios bordering the courtyard.*

The Board was also pleased with the green roof above the concierge building that will be visible from the residential units on either side of the courtyard.

Design Review Departure Analysis

Three departures from the development standards were requested and recommended for approval: lot coverage, open space and non-residential street frontage requirements.

- 1. LOT COVERAGE (SMC 23.47.008.D):** The applicant proposes a development standard departure to increase the lot coverage from 64% to 65.9%.

The Board agreed that the proposed building form successfully provides a gateway structure and the material palette recognizes the eclectic neighborhood character. The Board voted unanimously in favor of the departure request.

- 2. OPEN SPACE (SMC 23.47.024):** The applicant proposes a development standard departure to decrease the open space requirement from 20% of the gross floor area in residential use (40,836 SF) to 12.7% (26,088 SF). The open space is primarily located at the courtyard level and rooftop, although some open space will be distributed on to private decks.

The interior courtyard is landscaped and well programmed with seating, planters, fire pit, water feature and private patio spaces, while also serving as principal circulation route for residents. The roof deck is well-programmed with a variety of movable furniture and plantings. (A-4, D-1, E-2)

The Board supported the proposed departure request for reduced open space due to the well-scaled building of high quality materials, as well as the quality and thoughtful program of the proposed landscaped and hardscape areas. Inclusion of features, such as the operable windows, generous courtyard dimensions and views to the courtyard from the sidewalk are all desirable features of the proposed design (A-4). The Board voted unanimously in favor of the departure request.

- 3. NON-RESIDENTIAL STREET FRONTAGE (SMC 23.47.008.b):** The applicant proposes a development standard departure to decrease the non residential frontage requirement from 80 to 76%.

The Board agreed that the strong retail presence and interesting courtyard views along Eastlake compensates for the slight reduction in commercial frontage (A-4). The Eastlake frontage specifically emphasizes the commercial spaces with large and operable storefront windows and spaces that wrap the corner to the plaza. Furthermore, the Board supported the proposed departure request for reduced non-residential frontage due to the visibility of the courtyard and interesting, glassy concierge building, as well as the quality and thoughtful program of the proposed landscaped and hardscape areas. The Board voted unanimously in favor of the departure request.

Departure Table

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	BOARD ACTION
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LOT COVERAGE SMC 23.47.008.D	64 % lot coverage above 13'	65.9% lot coverage	<ul style="list-style-type: none"> Creation of gateway design with unusually shaped building and courtyard configuration that reflects confluence of streets. 	Board voted unanimously in favor of departure request.
OPEN SPACE SMC 23.47.024	20% GFA = 40,836 SF	Decrease open space to 12.7% -- from 40,836 SF to 26,088 SF	<ul style="list-style-type: none"> Recognize value of open spaces, such as set back portions of the building and views of courtyard from sidewalk. High quality building materials. High quality plantings and elements, such as railings, planters, water features, etc. 	Board voted unanimously in favor of departure request.
STREET FRONTAGE SMC 23.47.008.B	80% street frontage must be in non-residential uses	Decrease non- residential frontage along Eastlake Avenue to 76%	<ul style="list-style-type: none"> Street level design responds to, enhances and engages the two distinct characters of Eastlake Ave and Franklin Ave. Extensive landscaping and details creating interesting sidewalk environment. 	Board voted unanimously in favor of departure request.

Summary of Board's Recommendations

The recommendations summarized below are based on the plans submitted at the Final Design Review meeting. Design, siting or architectural details specifically identified or altered in these recommendations are expected to remain as presented in the presentation made at the April 5, 2006 public meeting and the subsequent updated plans submitted to DPD. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended **CONDITIONAL APPROVAL** of the proposed design including the requested departures subject to the following design elements in the final design including:

- The following landscape features and details presented at the Final Design Review meeting and described under Guidelines A-7, D-1 and E-2:
 - the right-of-way landscaping, street trees and sundial feature;
 - the generous courtyard with extensive programmatic details, including the water feature, seating, fire pit and gate allowing views to and from the courtyard to the sidewalk; and
 - the vegetation palette providing seasonal variation, texture and color.
- As described under Guidelines C-2 and C-4, the building materials and colors presented at the Final Design Review meeting.

3. The following architectural features and details presented at the Final Design Review meeting and described under Guidelines A-2, A-4, A-5, C-3 and D-7:
 - a) the large transparent storefront windows;
 - b) the retail space wrapping the corner to the courtyard;
 - c) the overhead weather protection; and
 - d) the setting back of the garage entrance off of Eastlake.

The recommendations of the Board reflected concern on how the proposed project would be integrated into both the existing streetscape and the community. Since the project would have a strong presence along Eastlake, as well as Franklin Avenue, the Board was particularly interested in the establishment of a vital design that would enhance the existing streetscape, interact with the pedestrian activity at this critical intersection and be compatible with the residential uses in the neighborhood.

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. *Reflects inconsistent application of the design review guidelines; or*
- b. *Exceeds the authority of the Design Review Board; or*
- c. *Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or*
- d. *Conflicts with the requirements of state or federal law.*

Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

Four members of the Capitol/First Hill Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director agrees with the well-considered street level details, building materials, and architectural design that support a high-quality, functional design responsive to the neighborhood's unique conditions. Moreover, the Director accepts the conditions recommended by the Board that further augment Guidelines A-7 and C-5 and support the case in favor of granting departures from the open space and non-residential street frontage standards.

- 1. The applicant should explore connecting the courtyard through to Franklin Avenue.***

2. The driveway entrances should be reduced in width and distinguished with a different scoring pattern.

The Director has further reviewed the public comments, which requested an increased building setback for this project on a portion of its north façade, to better accommodate the built condition of the Illumina Apartment building. The Illumina Apartment building was constructed in close proximity to the south property line of its parcel, in some cases within approximately 2 feet of that property line, and includes windows on some units facing this property line. Given the ability of the proposed project to construct to the same standards as the Illumina, as well as the voluntary design revisions offered subsequent to the Recommendation meeting (showing a four foot setback and the elimination of windows facing into those eight affected units in the Illumina), the Director finds no height, bulk and scale incompatibility between the projects that can or should be addressed through Design Guideline B-1.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include all of the recommendations of the Design Review Board. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions enumerated above and summarized at the end of this Decision.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated November 30, 2005. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The applicant estimates approximately 58,000 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, given the amount of building activity to be undertaken in association with the proposed project, additional analysis of air quality, noise, grading and traffic impacts is warranted and summarized below:

Environmental Element	Discussion of Impact
1. Drainage/Earth	<ul style="list-style-type: none"> • 58,000 cubic yards of excavated materials.
2. Traffic	<ul style="list-style-type: none"> • Increased vehicular traffic adjacent to the site due to construction vehicles.
3. Construction Noise	<ul style="list-style-type: none"> • Increased noise from construction activities.

Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

Earth - Grading

The construction plans will be reviewed by DPD. Any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves excavation of approximately 58,000 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Construction: Traffic

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities.

Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during excavation and construction activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allows the reviewing agency to mitigate impacts associated with transportation during construction. The construction activities will require the removal of material from site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

It is expected that most of the demolished materials will be removed from the site prior to construction. During demolition a single-loaded truck will hold approximately 10 cubic yards of material. This would require approximately 5,800 single-loaded truckloads to remove the estimated 58,000 cubic yards of material.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. This immediate area is subject to traffic congestion during the p.m. peak hour, and large construction trucks would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), additional mitigation is warranted.

2. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

This condition will assure that construction truck trips do not interfere with daily p.m. peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of existing City Code (SMC 11.62).

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Noise

There will be excavation required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding uses in the nearby theatres and Seattle Central Community College. Due to the proximity of these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

3. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Long-term Impacts

Long-term or use-related impacts associated with approval of this proposal include stormwater and erosion potential on site. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, the Stormwater, Grading and Drainage Control Code which requires on-site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; and the City Energy Code which will require insulation for outside walls and energy efficient windows.

Compliance with all other applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

Due to the type, size and location of the proposed project, additional analysis of parking and traffic impacts is warranted and summarized below:

Environmental Element	Point of Discussion
1. Parking	<ul style="list-style-type: none"> • Increase in parking from proposed development.
2. Traffic	<ul style="list-style-type: none"> • Increase in traffic from proposed development.
3. Height, Bulk & Scale	<ul style="list-style-type: none"> • Increase height, bulk and scale from proposed development.

Parking

A traffic study was submitted to DPD by The Transpo Group dated December 2005 evaluating the parking impacts of the proposed development. The 268 parking spaces provided by the proposed development are all located on-site. The parking spaces are located below grade and accessed from both Eastlake and Franklin Avenues.

Using the Third Edition of the Institute of Traffic Engineers *Parking Generation Manual*, parking generation rates associated with Mid Rise Apartment and Shopping Center (retail) were used. The results of the parking generation are shown below:

Parking Demand Calculations: Proposed Use

Use	Use Per ITE Land Use	Use Per SMC	Independent Variable	ITE Peak hour	SMC Required	Proposed
Proposed	Mid Rise Apartment (ITE 221)	Multifamily Residential	199 units	210	268	268
Proposed	Shopping Center (ITE 820)	Commercial Retail	5,400 SF			

According to the parking study, the 199 proposed residential units and 5,400 square feet of commercial uses would require approximately 210 spaces during the peak hours likely during the early afternoon hours on a weekend. The proposed development will provide 268 parking spaces. The amount of parking provided exceeds the anticipated demand during peak hours by 58 spaces. Therefore, the estimated parking demand generated by the proposed project is not considered adverse and the parking impacts require no further mitigation.

Traffic

A traffic study was submitted to DPD by The Transpo Group dated December 2005 and was revised in February 2006 evaluating the impacts of the proposed development to the surrounding street system.

The vehicular traffic generated by the project will be both residential and business-related and will likely peak during the weekday PM hours. As depicted in the traffic study, trip generation information was calculated using average PM peak hour trip generation rates obtained from the Seventh Edition of the ITE *Trip Generation Manual*. For the proposed development, trip generation rates associated with Mid Rise Apartment and Specialty Retail were used. The results of the trip generation are shown below:

Trip Generation Calculations: Proposed Use

Use	Use Per ITE Land Use	Use Per SMC	Independent Variable	PM Peak Trips Generated	Total PM Peak Trips Generated

Existing	General Office (ITE 710)	Administrative Office	25,650 SF	33	33
Proposed	Mid Rise Apartment (ITE 223)	Multifamily Residential	(Unit Count) 201 <i>Actual number = 199</i>	85	89
Proposed	Specialty Retail (ITE 814)	Commercial Retail	5,400 SF	4	

Using the ITE data, there will be approximately 56 additional trips in the PM peak hour associated with the proposed combination of uses. The intersections studied currently operate between Levels of Service A, B or C and suggest some unused capacity at these intersections. Even with the additional 56 trips generated by the proposed development, these intersections are expected to continue to operate at the same Level of Service (LOS) during the weekday p.m. peak hours, with the exception of the intersection of Boylston Avenue East and East Lynn Street, which will shift from LOS C to D with the proposed project. These ITE figures also tend to be higher than what is expected in an urban environment where transit readily services the Eastlake neighborhood and provides direct connections to downtown Seattle. The number of additional trips is not likely to adversely impact the existing levels of service of surrounding intersections beyond existing conditions.

Property development within and near South Lake Union is expected to produce substantial increases in vehicular traffic in the foreseeable future. Taken cumulatively, these projects will have a noticeable and substantial impact on the South Lake Union transportation system. The traffic volumes of the proposed development, together with those of other projects, will produce impacts that warrant mitigation. Assessing the pro-rata share of the anticipated costs of accommodating such growth reasonably apportions the costs of such mitigation. The proximity of the project site to the South Lake Union area requires mitigation for project trips that are anticipated to pass through South Lake Union pursuant to the capital improvements identified in the South Lake Union Transportation Study. The project has proposed a payment of \$63,688 towards the mitigation fund established for South Lake Union capital improvements, consistent with the projected impacts of the project in the South Lake Union area.

4. Provide the pro rata share of the anticipated traffic mitigation costs prior to issuance of the Building Permit.

Based on the traffic analysis provided above, in conjunction with the proposed payment to the South Lake Union fund, no further mitigation measures or conditioning pursuant to the SMC Chapter 25.05, the SEPA Ordinance is warranted.

Height Bulk & Scale

Section 25.05.675G2c of the Seattle SEPA Ordinance provides the following: “The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the

same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.”

The height, bulk and scale issues have been addressed during the Design Review process in the design of this multifamily project in a Commercial 1 zone with a 65 ft. height limit (C1-65). Adjoining sites to the north and south are also zoned C1-65’. In addition, the Design Review Board’s deliberations discussed height, bulk and scale issues in greater detail. Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS – SEPA

During Construction

The owner applicant/responsible party shall:

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.
2. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays

(except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

CONDITIONS – DESIGN REVIEW

Prior to MUP Issuance (Non-Appealable)

3. Update the submitted MUP plans to reflect all of the recommendations made by the Design Review Board and reiterated by the Director's Analysis. The plans shall also reflect those architectural features, details and materials described at the Design Review Recommendation meeting.

Prior to Building Permit Issuance

4. The applicant should explore connecting the courtyard through to Franklin Avenue.
5. The driveway entrances should be reduced in width and distinguished with a different scoring pattern.
6. Provide the pro rata share of the anticipated traffic mitigation costs prior to issuance of the Building Permit.

Prior to Pre-Construction Conference

7. Three days prior to the pre-construction conference, contact the Land Use Planner to confirm attendance.

Prior to Issuance of the Certificate of Occupancy

Compliance with conditions #4-6 must be verified and approved by the Land Use Planner prior to the final building inspection. The applicant/responsible party is responsible for arranging an appointment with the Land Use Planner at least three (3) working days prior to the required inspection.

NON-APPEALABLE CONDITIONS – DESIGN REVIEW

8. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Lisa Rutzick, 386-9049), or by the Design Review Manager (Vince Lyons, 233-3823). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
9. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD Land Use Planner assigned to this project or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

10. Embed all of the conditions listed at the end of this decision in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
11. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.
12. Include the Departure Matrix in the Zoning Summary section of the MUP Plans and on all subsequent Building Permit Plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent Building Permit plans.
13. The applicant shall respond to all items discussed in the zoning correction notice dated June 20, 2006. The DPD zoning reviewer must review and approve all of these responses prior to Issuance of the Master Use Permit.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Lisa Rutzick, (206 386-9049) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

Signature: (signature on file) Date: June 26, 2006
Lisa Rutzick, Land Use Planner
Department of Planning and Development

LCR:rgc

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